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AUTHORIZATION TO DISCHARGE PRODUCED WATER
FROM COAL BED METHANE WELLS UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

In compliance with the provisions of the Federal Water Pollution Control Act and the Wyoming Environmental Quality Act, facilities that are located within the State of Wyoming, except areas within the Wind River Indian Reservation where the state does not have jurisdiction, and/or have the potential to discharge produced water associated with coal bed methane wells to Class 4 surface waters of the state or indirect discharges to Class 2 or 3 surface waters where there will be no significant impact to water bodies, are hereby authorized to discharge to surface waters of the state in accordance with the requirements of this permit.

This general NPDES permit is issued under the provisions of Chapters 1, 2, 7 and 18 of the Water Quality Rules and Regulations.

This permit will become effective on the date of issuance and shall expire on May 15, 2004.

Gary Beach
Administrator - Water Quality

May 14, 1999
Date

Dennis Hemmer
Director - Department of Environmental Quality

May 14, 1999
Date

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PART I

A. AUTHORIZATION TO DISCHARGE

1. Coverage Under This Permit

a. Permit Area

This permit covers all areas of the State of Wyoming, except areas within the Wind River Indian Reservation where the state does not have jurisdiction.

b. Activities Covered Under This Permit

Under this general permit, facilities which produce formation water extracted with methane gas from coal beds or associated formations within coal beds and are within the permit area, may be granted authorization to discharge the separated formation water into Class 4 surface waters of the State of Wyoming. In addition, indirect discharges to Class 2 and 3 surface waters may also be granted authorization provided there will not be significant impact to the water bodies. The water discharged from this activity must meet water quality standards and effluent standards as described in Water Quality Rules and Regulations, Chapters 1 and 7, as applicable.

2. Request for Authorization - Notice of Intent (NOI)

a. Notice of Intent (NOI)

In order to be considered eligible for authorization to discharge produced water under the terms and conditions of this permit, the owner, operator, and/or authorized agent of any facility desiring to discharge produced water must submit a Notice of Intent (NOI) to the administrator on a form provided by the administrator (See Appendix A). The NOI must be submitted at least forty-five (45) days prior to the first anticipated date of discharge and at a minimum must contain the following information:

- (1) Name, mailing address, location and telephone number of individual, company and other principals which own, operate, or are in charge of the facility producing the discharge;
- (2) Name (lease name, well number and name, etc.) of facility(s) producing the discharge;
- (3) Name, address, and exact descriptive location of the facility, including quarter section, township, range and county, OR latitude, longitude and county. If latitude and longitude are provided, include a description of the source;
- (4) Corresponding State Engineers Office Permit Number(s) (if not available at the time the NOI is submitted, State Engineers Office Permit Number(s) may be provided within thirty (30) days of the commencement of discharge);
- (5) The number of separate discharge points being applied for with this application. If there is more than one (1) discharge point, describe why more than one (1) point is required. The exact descriptive locations including quarter quarter section, township, range and county or latitude and longitude expressed to the nearest five seconds for each discharge point must be provided. Only ten (10) discharge points will be allowed under one (1) application. Additional discharge points may be requested and granted upon approval by the administrator of the WDEQ/WQD. In addition, a description of the wells that contribute to each outfall must be included;
- (6) For each discharge point, the names of the drainage and water body receiving or potentially receiving the discharge (including irrigation ditches, intermittent streams and dry drainages);
- (7) Distance and direction the effluent must travel before reaching a class 2 or class 3 water;

- (8) A brief description of the type of activity resulting in the discharge including the anticipated date for commencement of the discharge, and average and maximum flow rate of the discharge.
- (9) A brief description of the type of water treatment process to be employed (including recycling or reuse);
- (10) A topographic map showing the area of the activity, location of each well, the location of each discharge point, and the receiving stream(s) associated with each discharge point;
- (11) A list of all potential pollutants and the expected concentrations in the produced water to be discharged;
- (12) An affidavit of publication of a paid advertisement from a newspaper specified in Appendix B of a notice of the intent to seek coverage under this general permit for the discharge of water associated with the production of coal bed methane gas. The notice must follow the format provided in Appendix B.;
- (13) A description of the erosion control measures that will be implemented to prevent significant damage to or erosion of the receiving water channel at the point of discharge;
- (14) Water analyses for a sample collected from a location representative of the quality of water being proposed for discharge for the parameters listed below must be provided. The analyses must be conducted in accordance with approved EPA test procedures (refer to Part I.B.2);

<u>Parameter</u>	<u>Required Detection Limit</u>
Total Petroleum Hydrocarbons	1 mg/l
Total dissolved solids	5 mg/l
pH	to 0.1 pH unit
Sulfates	10 mg/l
Chlorides	5 mg/l
Specific conductance	5 micromhos/cm
Radium 226	0.2 pCi/l
Aluminum*	50 µg/l
Total Antimony	5 µg/l
Total Arsenic	0.018 µg/l**
Total Barium	100 µg/l
Total Beryllium	0.0077 µg/l**
Cadmium*	0.1 µg/l
Chromium*	1 µg/l
Copper*	1 µg/l
Cyanide (total)	5 µg/l
Total Iron	30 µg/l
Lead*	2 µg/l
Total Manganese	10 µg/l
Mercury*	0.012 µg/l**
Nickel*	10 µg/l
Phenol	10 µg/l
Selenium*	5 µg/l
Silver*	3 µg/l
Total Thallium	10 µg/l
Zinc*	10 µg/l
Hardness	10 mg/l as CaCO ₃

*Refers to the acid soluble portion which is derived as the fraction that passes through a 0.45 µm membrane filter after the sample is acidified to pH 1.5-2.0 with nitric acid **Considerations will be made for the potential effects of matrix interferences and analytical constraints in achieving these detection limits.

- (15) A description of where the above sample(s) was collected, including well depth, location, and formation/coal seam being produced;
- (16) Name and mailing address of the owner(s) of the surface rights on whose land the discharge(s) occurs and a letter from the landowner or signed surface use agreement indicating concurrence with the discharge(s);
- (17) Description of the well(s) being drilled, including the total depth, and name of formation/coal seam being produced;

The NOI and any supplemental information shall be submitted to:

Wyoming Department of Environmental Quality
 Water Quality Division/NPDES Permits Section
 122 West 25th Street
 Cheyenne, WY 82002

3. Criteria for Coverage Under General Permit

- a. Evaluation of whether or not an individual permit may be required instead of a general permit, or whether stricter and/or additional effluent limits and/or monitoring are required is subject to one or more of the following considerations:
 - (1) Whether the discharge will result in exceedence of the Total Maximum Daily Load (TMDL) established for any pollutant in the receiving water;
 - (2) Whether the receiving water is listed as an impaired water body in need of TMDL development on the most recent 303 (d) list;
 - (3) Protection of designated uses of the receiving water from potentially adverse impact;
 - (4) The need to preserve high quality waters;
 - (5) Addition of chemicals to water prior to discharge;
 - (6) Failure of the effluent to pass a Whole Effluent Toxicity (WET) test, when required;
 - (7) Potential for the effluent to cause a violation(s) of water quality standards in the receiving water(s);
 - (8) Differences in ambient water quality, including temperature and flow, between the effluent and receiving waters;
 - (9) An antidegradation review determining the amount of degradation of the receiving waters as a result of the discharge;
 - (10) Anticipated cumulative flows of all discharges to the water body;
 - (11) Surface water classifications (discharges to Class 1 surface waters and direct discharges to Class 2 and 3 surface waters are not authorized under this permit);
 - (12) Coverage under a more specific permit (those facilities already covered under a more specific general permit and/or an individual permit will not be granted coverage under this permit);
 - (13) Indirect discharges to Class 2 and 3 surface waters may be authorized provided there will not be significant impact to the water bodies.

4. Definitions

Concentration Values:

“Daily Maximum (mg/l)” - The highest single reading from any grab or composite sample collected during the reporting period.

Quantity Values:

“Daily Maximum” - The highest single daily quantity reading recorded during the reporting period.

Flow Values:

“Monthly Flow” - The total flow volume recorded for water discharged during a given month. The flow volume may be determined by using a continuous recorder or any other method that will meet the accuracy of measurement specified in Part III.A.1 .

Miscellaneous:

- a. “Administrator” means the administrator of the Water Quality Division (WQD), Wyoming Department of Environmental Quality or his or her authorized agent.
- b. “Best Management Practices” (BMP’s) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- c. A “composite” sample, for monitoring requirements, is defined as a minimum of four grab samples collected at equally spaced two hour intervals and proportioned according to flow.
- d. “CWA” means the federal Clean Water Act of the Federal Water Pollution Control Act.
- e. “Ephemeral Stream” means a stream which flows only in direct response to precipitation in the immediate watershed or in response to snow melt, and which has a channel bottom that is always above the prevailing water table.
- f. A “grab” sample, for monitoring requirements, is defined as a single “dip and take” sample collected at a representative point in the discharge stream.
- g. “Hazardous Constituents” is defined as those constituents listed in Chapter 2, Appendix H of the Wyoming Department of Environmental Quality Hazardous Waste Rules and Regulations or any approved subset thereof.
- h. “Hazardous Substance” is defined as any substance, other than oil, which, when discharged in any quantities into waters of the U.S., presents an imminent and substantial danger to the public health or welfare, including but not limited to fish, shellfish, wildlife, shorelines and beaches (Section 311 of the CWA); identified by EPA as the pollutants listed under 40CFR Part 116.
- i. An “impaired water body” is defined as a water body in which the designated uses are not fully attained.
- j. An “instantaneous” measurement for monitoring requirements is defined as a single reading, measurement, or observation.
- k. An “intermittent stream” means a stream or part of a stream that is below the local water table for some part of the year, but is not a perennial stream.
- l. “MGD”, for monitoring requirements, is defined as million gallons per day.

- m. "Monthly average" shall be determined by calculating the arithmetic mean (geometric mean in the case of fecal coliform) of all composite and/or grab samples collected during a calendar month.
- n. "Net" value, if noted under Effluent Characteristics, is calculated on the basis of the net increase of the individual parameter over the quantity of that same parameter present in the intake water measured prior to any contamination or use in the process of this facility. Any contaminants contained in any intake water obtained from underground wells shall not be adjusted for as described above and, therefore, shall be considered as process input to the final effluent. Limitations in which "net" is noted are calculated on the basis of gross measurements of each parameter in the discharge, irrespective of the quantity of those parameters in the intake waters.
- o. "Non-conventional Pollutants" are all pollutants that are not included in the list of conventional or toxic pollutants as described in 40 CFR Part 401.
- p. "Surface Waters of the State of Wyoming" is defined as all permanent and intermittent defined drainages and lakes, reservoirs, and wetlands which are not manmade retention ponds used for the treatment of municipal, agricultural, or industrial waste; and all other bodies of surface water, either public or private, which are wholly or partially within the boundaries of the state. Nothing in this definition is intended to expand the scope of the Environmental Quality Act as limited in W.S. 35-11-1104.
- q. "Toxic Pollutant" is defined as pollutants or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the administrator of EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring. Toxic pollutants also include those pollutants listed by the administrator under CWA Section 307(a)(1) or any pollutant listed under Section 405 (d) which is related to sludge management.
- r. "Total Maximum Daily Load (TMDL)" is defined as the amount of pollutant, or property of a pollutant, from point, nonpoint, natural background sources, that may be discharged to a water quality-limited receiving water. Any pollutant loading above the TMDL results in violation of applicable water quality standards.
- s. "Weekly average" shall be determined by calculating the arithmetic mean (geometric mean in the case of fecal coliform) of all composite and/or grab samples collected during any week.

5. Terms, Conditions and Specific Limitations

- a. General Limitations
 - (1) Discharges are not allowed that include soaps, degreasers, detergents, surfactants, antifreeze, deicers, or any hazardous constituents and hazardous substances under this permit unless the permit establishes an effluent limit for that constituent.
 - (2) No chemicals are to be added to the discharge unless permission for the use of a specific chemical is granted by WDEQ/WQD. It is the responsibility of the applicant to provide this information. Additional limitations and monitoring may be imposed in these cases.
 - (3) Discharges are not allowed that include solvents, acids, caustics, halogenated hydrocarbons, biocides, or chemicals which are not readily biodegradable and which could adversely affect water quality or aquatic life.
 - (4) There shall be no discharge of floating solids or visible foam in other than trace amounts.
 - (5) Bulk storage structures for fuels and other chemicals shall have adequate protections so as to contain all spills and prevent any spilled material from entering the effluent stream or waters of the state.

- (6) This permit does not constitute authorization under 33 U.S.C. 1344 (Section 404 of the Clean Water Act) of any stream dredging or filling operations.
- (7) All waters shall be discharged in a manner to prevent, at the point of discharge, erosion, scouring, or damage to stream banks, stream beds, ditches or other waters of the state. Discharges shall not occur in such a manner that will result in violations of Water Quality Rules and Regulations, Chapter 1, Section 15. In the case where produced water discharges are causing damage to land and/or vegetation due to diffuse or "spread" flow, the state reserves the right to require that the discharge be confined to a channel, pipe or other conduit.
- (8) This permit does not authorize discharges associated with dewatering activities that contain toxic pollutants or hazardous substances.
- (9) There shall be no discharges to Class 1 waters under this general permit as per Chapter 1, Section 7 (a) of the Department of Environmental Quality Water Quality Rules and Regulations.
- (10) All facilities discharging produced water shall be clearly identified with an all-weather sign posted at each outfall. The sign shall, as a minimum, include the following information:
 - (a) The name of the company, corporation, or person(s) who hold the discharge permit and the NPDES discharge permit number;
 - (b) The contact name and phone number of the person responsible for the records associated with the permit;
 - (c) The name of the facility (lease name, well number, etc.) as identified by the permit.

B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Effluent Limitations

Effective immediately the quality of effluent discharged by the facility shall, at a minimum meet the limitations as set forth below. Additional or more stringent effluent limitations may be imposed on a case by case basis. The effluent limits will be specified in the written facility certification form.

- a. The pH of the discharged waters shall not be less than 6.5 standard units nor more than 8.5 standard units in any single grab sample.
- b. The concentration of total petroleum hydrocarbons in any single sample shall not exceed 10 mg/l in any single properly preserved grab sample.
- c. The specific conductance shall not exceed 7,500 micromhos/cm in any single properly preserved grab sample.
- d. The chloride concentration shall not exceed 46 mg/l in any single properly preserved grab sample.
- e. The sulfate concentration shall not exceed 3,000 mg/l in any single properly preserved grab sample.
- f. The total dissolved solids concentration shall not exceed 5,000 mg/l in any single properly preserved grab sample.
- g. The radium 226 concentration shall not exceed 1 pCi/l for any single properly preserved grab sample.
- h. The total iron concentration shall not exceed 60 µg/l for any single properly preserved grab sample.
- i. The total manganese concentration shall not exceed 10 µg/l for any single properly preserved grab sample.

- j. The total barium concentration shall not exceed 200 µg/l for any single properly preserved grab sample.
- k. There shall be no discharge of floating solids or visible foam in other than trace amounts, nor shall the discharge cause formation of a visible sheen or visible deposits on the bottom or shoreline of the receiving water.

2. Monitoring Requirements:

Samples shall provide representative information as to the nature and volume of the discharge. At a minimum, the following constituents shall be monitored at the frequencies indicated in a. and b. below. Additional or more stringent monitoring requirements may be imposed on a case by case basis. The monitoring requirements will be specified in the written facility certification form.

Samples taken in compliance with the monitoring requirements specified in a. and b. below shall be taken at the following location(s): At the outfall from the final treatment unit which is located out of the natural drainage and prior to admixture with diluent waters.

a. Monitoring of Initial Discharge

Within thirty days of the commencement of discharge under this permit, samples shall be collected from each outfall and analyzed for the following constituents as specified. After receiving the results of monitoring of the initial discharge, the certification may be modified to require monitoring more stringent than that described in Part I.B.2.b. below

<u>Parameter</u>	<u>Required Detection Limit</u>	<u>Sample Type</u>
Total Petroleum Hydrocarbons	1 mg/l	Grab
Flow Volume	± 10% of actual volume	Monthly Total
Total dissolved solids	5 mg/l	Grab
pH	to 0.1 pH unit	Grab
Sulfates	10 mg/l	Grab
Chlorides	5 mg/l	Grab
Specific conductance	5 micromhos/cm	Grab
Radium 226	0.2 pCi/l	Grab
Total Iron	30 µg/l	Grab
Total Manganese	10 µg/l	Grab
Total Barium	100 µg/l	Grab

b. Routine Monitoring

For the duration of the permit, at a minimum, samples for the constituents described below shall be collected at the indicated frequencies. The first routine monitoring for the time frame during which the monitoring of initial discharge occurred will, at a minimum, consist of flow measurements for the duration of the six-month monitoring time frame. Monitoring will be conducted based on semi-annual time frames, from January through June, and from July through December.

<u>Parameter</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Total Petroleum Hydrocarbons (TPH)	Once Every Six Months	Grab
Specific Conductance	Once Every Six Months	Grab
pH	Once Every Six Months	Grab
Radium 226	Annually	Grab
Total Flow - (MGD)	Monthly	Continuous
Total Iron	Annually	Grab
Total Manganese	Annually	Grab
Total Barium	Annually	Grab
Chlorides	Annually	Grab

c. Test Procedures

Test procedures for the analyses of pollutants, collection of samples, sample containers, sample preservation, and holding times, shall conform to regulations published pursuant to 40 CFR 136 and methods approved by the US Environmental Protection Agency, Region VIII as alternate test procedures under 40 CFR 136.5, unless other test procedures have been specified in this permit.

d. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- (1) exact place, date and time of sampling;
- (2) dates and times the analyses were performed;
- (3) names of person(s) who performed the analyses and collected the samples;
- (4) analytical techniques or methods used;
- (5) results of all required analyses including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine the results.

3. Representative Sampling

Samples and measurements taken at outfalls that are authorized in the written certification form shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and approval by the permit issuing authority.

4. Reporting:

Effluent monitoring results shall be summarized and reported on a Discharge Monitoring Report Form (DMR), except that the results of monitoring done in accordance with Part I.B.2.a. shall be reported on the form contained in Appendix C and submitted within sixty (60) days of the commencement of discharge. The information submitted on the first six-month DMR shall contain a summary of flow measurements and any additional monitoring conducted subsequent to the submittal of the initial monitoring report. Reports shall be signed and certified in accordance with the Signatory Requirements of 40 CFR 122.22 and submitted to the State Water Pollution Control Agency at the following address postmarked no later than July 28th for the January through June monitoring period and January 28th for the July through December monitoring period.

Wyoming Department of Environmental Quality
Water Quality Division/NPDES Permits Section
122 West 25th Street
Cheyenne, WY 82002

If no discharge occurs during the reporting period, "no discharge" shall be reported. If discharge is intermittent during the reporting period, sampling shall be done while the facility is discharging.

5. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by the written facility certification form, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated.

6. Records Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample collection, measurement, report or application. This period may be extended by request of the administrator at any time. Data collected on site, copies of Discharge Monitoring Reports and a copy of this NPDES permit must be maintained on site or at the nearest office having authority over and responsibility for the discharge for the duration of activity at the permitted location.

7. Penalties for Tampering

The Act provides that any person who falsifies, tampers with or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per day per violation, or by imprisonment for not more than two (2) years per violation, or both.

8. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.

9. Location of Discharge Points

The authorized points of discharge shall be defined in the written facility certification form. Modification to the list may be made at any time without formal modification of this permit. Such modification must be initiated by the permittee with a written request and confirmed in writing by the permit issuing authority. The written request must contain at a minimum the following information:

- a. the location of the proposed discharge point;
- b. the names, locations and estimated discharge rates of all wells contributing to the discharge point;
- c. the name of the receiving stream;
- d. a currently dated letter or surface use agreement signed by the landowner(s) indicating agreement to the discharge(s) upon their property.

PART II

A. MANAGEMENT REQUIREMENTS

1. Changes

The permittee shall give notice to the administrator of the Water Quality Division as soon as possible of any physical alterations or additions to the permitted facility. Notice is required when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
- b. The alteration or addition could change the nature or increase the quantity of pollutants discharged.

2. Noncompliance Notification

- a. The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- b. The permittee shall report any unanticipated noncompliance which may endanger health or the environment as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances. The report shall be made to the Water Quality Division, Wyoming Department of Environmental Quality at (307) 777-7781.
- c. The following occurrences of unanticipated noncompliance shall be reported by telephone to the Water Quality Division, Watershed Management NPDES Section, (307) 777-7781 by the first workday following the day the permittee became aware of the circumstances.
 - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
 - (2) Any upset which exceeds any effluent limitation in the permit; or
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit.
- d. A written submission shall be provided within five days of the time that the permittee becomes aware of a noncompliance circumstance as described in item c. above.

The written submission shall contain:

- (1) A description of the noncompliance and its cause;
 - (2) The period of noncompliance, including exact dates and times;
 - (3) The estimated time noncompliance is expected to continue if it has not been corrected; and
 - (4) Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.
- e. The administrator of the Water Quality Division may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Quality Division, Watershed Management NPDES Section, (307) 777-7781.
- f. Reports shall be submitted to the addresses in Part I under Reporting.

3. Facilities Operation

The permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit. However, the permittee shall operate, as a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to waters of the state resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. Bypass of Treatment Facilities

- a. As defined by 40 CFR 122.41, bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- b. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c and d of this section. Return of removed substances to the discharge stream shall not be considered a bypass under the provisions of this paragraph.
- c. Notice:
 - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice at least 60 days before the date of the bypass.
 - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.A.2.
- d. Prohibition of bypass.
 - (1) Bypass is prohibited and the administrator of the Water Quality Division may take enforcement action against a permittee for a bypass, unless:
 - (a) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The permittee submitted notices as required under paragraph c of this section.
- e. The administrator of the Water Quality Division may approve an anticipated bypass, after considering its adverse effects, if the administrator determines that it will meet the three (3) conditions listed above in paragraph d.(1) of this section.

6. Upset Conditions

- a. As defined by 40 CFR 122.41, upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improper designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph c of this section are met.
- c. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required under Part II.A.2; and
 - (4) The permittee complied with any remedial measures required under Part II.A.4.
- d. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

7. Removed Substances

Solids, sludges, filter backwash or other pollutants removed in the course of treatment or control of wastewaters or intake waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the state.

8. Power Failures

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

- a. In accordance with a schedule of compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater control facilities; or
- b. If such alternative power source as described in paragraph a above is not in existence and no date for its implementation appears in Part I, take such precautions as are necessary to maintain and operate the facility under its control in a manner that will minimize upsets and insure stable operation until power is restored.

9. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal act and the Wyoming Environmental Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give the administrator of the Water Quality Division advance notice of any planned changes at the permitted facility or of any activity which may result in permit noncompliance.

10. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

11. Signatory Requirements

All applications, reports or information submitted to the administrator of the Water Quality Division shall be signed and certified.

- a. All permit applications shall be signed as follows:
 - (1) For a corporation: by a responsible corporate officer;
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
 - (3) For a municipality, state, federal or other public agency: by either a principal executive officer or ranking elected official.
- b. All reports required by the permit and other information requested by the administrator of the Water Quality Division shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described above and submitted to the administrator of the Water Quality Division; and
 - (2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
- c. If an authorization under paragraph II.A.11.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph II.A.11.b must be submitted to the administrator of the Water Quality Division prior to or together with any reports, information or applications to be signed by an authorized representative.
- d. Any person signing a document under this section shall make the following certification:

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

B. RESPONSIBILITIES

1. Inspection and Entry

The permittee shall allow the administrator of the Water Quality Division or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
- d. Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the federal act, any substances or parameters at any location.

2. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the regional administrator of the Environmental Protection Agency and the administrator of the Water Quality Division. The administrator of the Water Quality Division shall then provide written notification to the new owner or controller of the date in which they assume legal responsibility of the permit.

3. Availability of Reports

Except for data determined to be confidential under Section 308 of the federal act, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Wyoming Department of Environmental Quality and the regional administrator of the Environmental Protection Agency. As required by the federal act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the federal act.

4. Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the federal act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Changes in Discharge of Toxic Substances

Notification shall be provided to the administrator of the Water Quality Division as soon as the permittee knows of, or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (1) One hundred micrograms per liter (100 ug/l);
 - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - (4) The level established by the director of the Environmental Protection Agency in accordance with 40 CFR 122.44(f).
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (1) Five hundred micrograms per liter (500 ug/l);
 - (2) One milligram per liter (1 mg/l) for antimony;

- (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
- (4) The level established by the Director of the Environmental Protection Agency in accordance with 40 CFR 122.44(f).

6. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. As long as the conditions related to the provisions of "Bypass of Treatment Facilities" (Part II.A.5), "Upset Conditions" (Part II.A.6), and "Power Failures" (Part II.A.8) are satisfied then they shall not be considered as noncompliance.

7. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

8. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the federal act.

9. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties established pursuant to any applicable state or federal law or regulation.

10. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights nor any infringement of federal, state or local laws or regulations.

11. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.

12. Duty to Provide Information

The permittee shall furnish to the administrator of the Water Quality Division, within a reasonable time, any information which the administrator may request to determine whether cause exists for modifying, revoking and reissuing or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the administrator, upon request, copies of records required by this permit to be kept.

13. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or any report to the administrator of the Water Quality Division, it shall promptly submit such facts or information.

PART III

A. OTHER REQUIREMENTS

1. Flow Measurement

At the request of the administrator of the Water Quality Division, the permittee must be able to show proof of the accuracy of any flow measuring device used in obtaining data submitted in the monitoring report. The flow measuring device must indicate values of within plus or minus ten (10) percent of the actual flow being measured.

2. 208(b) Plans

This permit may be modified, suspended or revoked to comply with the provisions of any 208(b) plan certified by the Governor of the State of Wyoming.

3. Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary) or other appropriate requirements if one or more of the following events occurs:

- a. The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit;
- b. A wasteload allocation is developed and approved by the state and/or the Environmental Protection Agency for incorporation in this permit;
- c. A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit;
- d. Downstream impairment is observed and the permitted facility may be contributing to the impairment.

4. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, suspended or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- d. If necessary to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the federal act, if the effluent standard or limitation so issued or approved:
 - (1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - (2) Controls any pollutant not limited in the permit.

5. Toxicity Limitation - Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include a new compliance date, additional or modified numerical limitations, a new or different compliance schedule, a change in the whole effluent protocol or any other conditions related to the control of toxicants if one or more of the following events occur:

- a. Toxicity was detected late in the life of the permit near or past the deadline for compliance;
- b. The TRE results indicate that compliance with the toxic limits will require an implementation schedule past the date for compliance and the permit issuing authority agrees with the conclusion;
- c. The TRE results indicate that the toxicant(s) represent pollutant(s) that may be controlled with specific numerical limits and the permit issuing authority agrees that numerical controls are the most appropriate course of action;
- d. Following the implementation of numerical controls on toxicants, the permit issuing authority agrees that a modified whole effluent protocol is necessary to compensate for those toxicants that are controlled numerically;
- e. The TRE reveals other unique conditions or characteristics which, in the opinion of the permit issuing authority, justify the incorporation of unanticipated special conditions in the permit.

6. Severability

The provisions of this permit are severable and if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit, shall not be affected thereby.

7. Penalties for Falsification of Reports

The federal act provides that any person who knowingly makes any false statement, representation or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation or by imprisonment for not more than two years per violation or both.

APPENDIX A
NOTICE OF INTENT
FOR

This Notice of Intent is being filed for a coal bed methane discharge which does not currently have coverage under an existing discharge permit.

1. Name, mailing address, location and telephone number of the individual, company and other principals which own, operate, or are in charge of the facility producing the discharge.

Name: _____

Address:

Location:

Telephone:

2. Provide the lease name, well number and name of the facilities producing the discharge.

Lease Name:

Well Number(s) and Name(s):

3. Name, address, and exact descriptive location of the facility, including quarter section, township, range and county **OR** latitude, longitude and county. If latitude and longitude is provided, include a description of the source of the latitude and longitude.

Quarter: Section: Township: Range: County:

Latitude: _____ Longitude: _____

List the information source used for the Latitude and Longitude:

4. Corresponding State Engineers Office Permit Number(s) (if not currently available, may be provided within thirty (30) days of commencement of discharge):

5. Number of separate discharge points being applied for (not to exceed 10):

- a. If there is more than one discharge point, provide an explanation of why more than one point is required and where flows from the separate points join.
- b. Provide a description of the wells that contribute to each outfall.
- c. Provide the exact descriptive locations for each discharge point, including quarter quarter, section, township, range and county; or, latitude and longitude expressed to the nearest five seconds and county. (attach additional sheets as needed)

Point Number:	Quarter/Quarter:	Section:	Township:	Range:
Latitude:	Longitude:		County:	
Point Number:	Quarter/Quarter:	Section:	Township:	Range:
Latitude:	Longitude:		County:	
Point Number:	Quarter/Quarter:	Section:	Township:	Range:
Latitude:	Longitude:		County:	

6. Provide the names of the drainage and water body receiving or potentially receiving the discharge (including irrigation ditches, intermittent streams and dry drainages).

7. What is the distance and direction from each discharge point the effluent must travel before reaching a class 2 or class 3 water body.

8. Provide a brief description of the type of activity resulting in the discharge including the anticipated date for commencement of the discharge, average and maximum flow rate of the discharge, and the source of water which is to be discharged.

Anticipated date of discharge:

Average expected discharge flow rate in gallons per minute for each discharge point:

Maximum expected discharge flow rate in gallons per minute for each discharge point:

Source of water to be discharged (names of formation and coal seam):

9. Provide a description of the type of water treatment process to be employed (including recycling or reuse):

10. Provide a topographic map showing the area of the activity, location of each well, the location of each discharge point, and the receiving stream(s) associated with each discharge point.

11. Provide a list of all potential pollutants and the expected concentrations in the wastewater to be discharged:

12. Provide a description of the erosion control measures that will be implemented to prevent significant damage to or erosion of the receiving water channel at the point of discharge.

13. Discharge characteristics. All of the following chemical analyses must be done in accordance with approved EPA test procedures.

<u>Parameter</u>	<u>Required Detection Limit**</u>
Total Petroleum Hydrocarbons	1 mg/l
Total Dissolved Solids	5 mg/l
pH	to 0.1 pH unit
Sulfates	10 mg/l
Chlorides	5 mg/l
Specific Conductance	5 micromhos/cm
Radium 226	0.2 pCi/l
Aluminum*	50 µg/l
Total Antimony	5 µg/l
Total Arsenic	0.018 µg/l**
Total Barium	100 µg/l
Total Beryllium	0.0077 µg/l**
Cadmium*	0.1 µg/l
Chromium*	1 µg/l
Copper*	1 µg/l
Cyanide (total)	5 µg/l
Total Iron	30 µg/l
Lead*	2 µg/l
Total Manganese	10 µg/l
Mercury*	0.012 µg/l**
Nickel*	10 µg/l
Phenol	10 µg/l
Selenium*	5 µg/l
Silver*	3 µg/l
Total Thallium	10 µg/l
Zinc*	10 µg/l
Hardness	10 mg/l as CaCO ₃

*Refers to the acid soluble portion which is derived as the fraction that passes through a 0.45 µm membrane filter after the sample is acidified to pH 1.5-2.0 with nitric acid. **Considerations will be made for the potential effects of matrix interferences and analytical constraints in achieving these detection limits.

14. The samples for the above analyses were collected from:

The facility referenced in item 3. **G**

Other **G** If other, describe origin of samples including the location, total depth and produced formation/coal seam of the well used to obtain the representative sample.

-
-
15. Name and mailing address of owner of the surface rights on whose land the discharge occurs (in cases where the land is owned by the state of federal government but surface rights are leased to a private individual, give lessee's name and address). A letter from the landowner or signed surface use agreement indicating concurrence with the discharge must be attached to the Notice of Intent.

Name

Street address

City, State and Zip

Telephone

16. The proposed depths and name(s) of formations/coal seams being produced for each well that will be contributing to the discharge(s).
-

17. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name of Person Signing

Title

Signature of Applicant

Date

Telephone

Section 35-11-901 of Wyoming Statutes provides that:

"Any person who knowingly makes any false statement, representation, or certification in any application ... shall, upon conviction, be fined not more than \$10,000 per day for each violation or imprisoned for not more than one (1) year, or both."

Mail this application to:

Wyoming Department of Environmental Quality
Water Quality Division/NPDES Permits Section
122 West 25th Street
Cheyenne, WY 82002

FOR AGENCY USE ONLY								
Certification Number								
W	Y	G						
Date Received								
MM			DD			YY		

**APPENDIX B
INSTRUCTIONS FOR
PUBLISHING A PAID ADVERTISEMENT
OF THE
NOTICE OF INTENT
TO SEEK AUTHORIZATION TO DISCHARGE PRODUCED WATERS
FROM COAL BED METHANE WELLS UNDER THE GENERAL PERMIT**

1. A paid advertisement using the following format must be published in the newspaper specified in number 2 below prior to submitting the notice of intent (NOI) to the Wyoming Department of Environmental Quality. Submit an affidavit of publication of this notice to the WDEQ as an attachment to the completed NOI.

<p>NOTICE OF INTENT TO SEEK AUTHORIZATION TO DISCHARGE PRODUCED WATERS FROM COAL BED METHANE WELLS</p> <p>Notice is hereby being provided that _____ (Company/Operator Name) _____ is seeking authorization from the Wyoming Department of Environmental Quality to discharge produced waters from coal bed methane wells under National Pollutant Discharge Elimination System (NPDES) general permitting authority. The proposed discharge(s) will occur in _____ (County) _____. The location(s) of the proposed discharge(s) is/are: _____ (Quarter/Quarter, Section, Township, Range for each proposed discharge point) _____. Produced waters will be discharged into drainages that are tributary to _____ (Name of Creek, River or Lake) _____. The quality of the water discharged will comply with the provisions of the General Permit for Discharge of Produced Water from Coal Bed Methane Wells under the National Pollutant Discharge Elimination System, and Wyoming Water Quality Rules and Regulations, Chapters 1 and 7. For more information about the proposed discharge(s), contact _____ (Contact Name, Company Name, Company Address, Company Phone Number) _____. For more information about the proposed authorization and/or general permit, contact the Wyoming Department of Environmental Quality, Water Quality Division, NPDES Permits Section, 122 West 25th Street, Cheyenne, WY 82002, (307) 777-7781.</p>

2. Advertisements are to be placed in the paper corresponding to the county where discharge(s) will occur based on the following table:

County	Newspaper
Converse	Casper Star Tribune Box 80 Casper, WY 82602-0080 (307) 266-0501
Natrona	
Niobrara	
Goshen	Wyoming Eagle 702 West Lincolnway Cheyenne, WY 82001 (307) 634-3361
Laramie	
Platte	

<u>County</u>	<u>Newspaper</u>
Campbell	The News-Record Box 3006 Gillette, WY 82716 (307) 682-9306
Crook	
Weston	
Albany	Daily Boomerang 314 South 4 th Laramie, WY 82070 (307) 742-2176
Carbon	Daily Times Box 370 Rawlins, WY 82301 (307) 324-3411
Lincoln	Daily Rocket-Miner Box 98 Rock Springs, WY 82901 (307) 362-3736
Sweetwater	
Uinta	
Johnson	Sheridan Press Box 2006 Sheridan, WY 82801 (307) 672-2431
Sheridan	
Big Horn	Northern Wyoming Daily News Box 508 Worland, WY 82401 (307) 347-3241
Hot Springs	
Park	
Washakie	
Fremont	Riverton Ranger Box 993 Riverton, WY 82501 (307) 856-2244
Sublette	
Teton	

APPENDIX C
MONITORING REPORT FORM FOR
MONITORING OF INITIAL DISCHARGE

Complete one form for each discharge point. If more than one effluent sample was collected and analyzed from a discharge point, all monitoring results must be provided.

PERMITTEE NAME: _____

PERMITTEE ADDRESS: _____

P.O. Box or Street

City, State and Zip Code

FACILITY NAME: _____

PERMIT NUMBER: WYG _ _ _ _ _ DISCHARGE POINT NUMBER: _____

DATE OF COMMENCEMENT OF DISCHARGE: _____ DATE(S) OF SAMPLE COLLECTION: _____

ANALYTICAL RESULTS:

<u>PARAMETER</u>	<u>RESULTS</u>	<u>UNITS</u>	<u>DETECTION LIMIT</u>	<u>PERMIT LIMIT</u>
Total Petroleum Hydrocarbons				10 mg/l
Total Dissolved Solids				5000 mg/l
pH				6.5 to 8.5 SU
Sulfates				3000 mg/l
Chlorides				46 mg/l
Specific Conductance				7500 µmhos/cm
Radium 226				1 pCi/l
Total Iron				60 µg/l
Total Manganese				10 µg/l
Total Barium				100 µg/l

TOTAL DISCHARGE VOLUME: _____ gallons

TOTAL DISCHARGE VOLUME REPRESENTS VOLUME DISCHARGED FROM _____ UNTIL _____
DISCHARGE START DATE

LAST DATE OF PERIOD DURING WHICH
VOLUME WAS MEASURED FOR THIS REPORT

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN; AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT (TYPED OR PRINTED) SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE NUMBER

DATE